

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS WALKER, #374618,

Plaintiff,

v.

CASE NO. 2:21-CV-12536
HONORABLE ARTHUR J. TARNOW

DR. MARY GREINER, et al.,

Defendants.

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**OPINION AND ORDER DENYING THE APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF FEES OR COSTS AND
DISMISSING WITHOUT PREJUDICE THE CIVIL RIGHTS COMPLAINT**

Michigan prisoner Marcus Walker (“Plaintiff”) has filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 concerning his medical care in prison, as well as an application to proceed without prepayment of fees or costs. Although Plaintiff allegedly lacks the funds to pay the filing fees for this civil action, his prison account statement indicates that he has current spendable account balance of \$1,148.89 as of October 18, 2021. Moreover, the Court notes that the government currently provides Plaintiff with food, clothing, and shelter such that requiring prepayment of the filing fees for this action will not force him to go without necessary incidentals. *See Lyon v Krol*, 127 F.3d 763, 765 (8th Cir. 1997). The

Court thus concludes from the financial data that Plaintiff fails to establish indigence and that he can pay the \$350 filing fee and \$52 administrative fee for this civil action.

Accordingly, the Court **DENIES** Plaintiff's application to proceed without prepayment of fees or costs and **DISMISSES WITHOUT PREJUDICE** his civil rights complaint. The Court is required to dismiss the case because the allegation of poverty is untrue. *See* 28 U.S.C. § 1915(e)(2)(A). Plaintiff may submit a civil rights complaint with payment of the filing fee and administrative fee in a new case. This case is closed and will not be reopened. The Court makes no determination as to the merits of the complaint. Lastly, the Court concludes that an appeal from this decision cannot be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

IT IS SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

Dated: November 4, 2021